

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4305

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY SHARONE PEOPLES,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:04-cr-00860-TLW-1)

Submitted: February 8, 2010

Decided: February 25, 2010

Before MOTZ and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

James T. McBratney, Jr., MCBRATNEY LAW FIRM, P.A., Florence, South Carolina, for Appellant. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Sharone Peoples seeks to appeal the district court's order granting the Government's motion filed pursuant to Fed. R. Crim. P. 35(b)(2), and reducing his sentence by thirty-four months. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal and questioning whether Peoples may appeal the district court's order reducing his sentence. Peoples was informed of his right to file a pro se supplemental brief, but he has not filed one. We dismiss the appeal.

Our review of the record pursuant to Anders convinces us that Peoples' sentence was not imposed in violation of law. See United States v. Hartwell, 448 F.3d 707, 712 (4th Cir. 2006); United States v. Hill, 70 F.3d 321, 322 (4th Cir. 1995). Thus, we do not have jurisdiction to consider this appeal. Hartwell, 448 F.3d at 713-14. Accordingly, we dismiss the appeal.

This court requires that counsel inform his client, in writing, of the right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must

state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED